G R S IX 5]

Previous references
Nil 33-15 88 17, 88, 98 + 131 B July 1916

1916.

(Municipal)

Later references
Nil 40-16 88 13-18 B April '17
Nil. 34-18 86 9, 13, 14, 16, 26 + 29

File No 34-15

Serial Nos 57, 63, 73, 87, 126, + 129

Preserve
71 1 31

GENERAL AND REVENUE SECRETARIAT

Serial Nos 57, 63, 73, 87, 126 + 129

Part B for November 1916

SUBJECT

Petition from Bale Gangaama of the Ellpose city complaining that the Local Authorities have not granted him a license to put up a terraced Verandah in front of his house on the Chaam road in the Ellpose city.

To the President, Ingoss city Nil and the Chairman of the City Improvement Trust Board.

No 2333-4 B 17 10 16

Records the report from the President stating that the municipal council are not in favour of permitting the applicant to build on the strip of land in question and that the Trust Board will take the needful action for acquiring the land

W D 88—GPB—50 000—24 7 18

M. Vareed
30 11 16

G R. S 11] 1915– 1916

GENERAL AND REVENUE SECRETARIAT

(Memb.)

NOTES

File No. 36-15

FILE HEADING

Petitions from the Mysore City

From

The petitioners Boale Gangamma of the Mysore City

No Dated 28 12 15 Received 3 1 1916

Diary No 2392	Enclos –	Spare Copies –	Serial No 57

BRIEF ABSTRACT OF LETTER

Complains that the local authorities have not granted him a licence to pull up a terraced verandah in front of his house in the Chamaraj road in the Mysore City

NOTES AND ORDERS

2. Members order recorded on the petition.
"Call for a report"
(Sd.) M K 3/1/16

W. 42 — 2 Draft is submitted

NOTES—FIRST SHEET 3

GPB—20 000—8-5-14

G R. S 12]

General and Revenue Secretariat | Jud File No. 34 of 1915

Serial No	
63	D. M. No 5182 dated the 15th Jan? 1916 Forwards the petition to the President Mysore City Munl. Council, for rebates Mission with a report of the facts of the Case
735	Letter no 207 dated the 5th Feb 1916 from the President Submits a report of the facts of the Case with records 1 This is a Case in which the Munl. Authority and the Trust Board have declined to permit the petitioners to build on his land on the ground that the proposed building would interfere with the readenque facilities of the neighbouring houses It is submitted that under the existing Law neither the Municipal Council nor the Trust Board seem to have power to prohibit the erection of buildings outright (vide Sec 96 et seq of the Munl. Regn and Sec 29(c) of the Trust Board Regn). Nor do they seem Competent to question the title of the person intending to build over the land, as was done in the present Case, except where they think they have themselves a Claim over it, as otherwise they would be encroaching upon the functions of Civil Courts In this view, the President's

NOTE—Contn sheet

G R. S 12]

General and Revenue Secretariat | Jud File No. 34 of 1915

Serial No

action seems both illegal and ultra vires the proper course would have perhaps been to suspend the work under Sec 96 Cl (3) of the Munic. Regn and to immediately take steps to acquire the land

2 Aesthetic and other aspects can well be secured under a Town Planning Regn. One of the essential features of that Regn is the specific provision for a redistribution of plots, and under a redistribution scheme the Govt not only with the persons whose interests are disturbed be compensated (under in the present case) but also the persons who get increased amenity be required in fairness to pay for it

Subd for orders

JMS
10 2 16

BKS

W.O Ltr No 137 of 15-16 dt 12-2-16

Forwarded unofficially to the Government Advocate with Compliments, for favr of opinion on the legality of the action of the Municipal Council and Trust Board in this case

By order -
Benjamin Thomas
Asst Secy

11 2-16

NOTE—Contn sheet

G. R. S 12]

General and Revenue Secretariat | Ind File No. 364 of 1915

Serial No

W. O. 3 of 1915

Under § 96 (1) of the Municipal Reg. a person intending to add to any existing building shall before beginning to do so give to the Municipal Council notice thereof in writing furnishing at the same time, if required by a by-law or a special order, a plan showing the proposed levels of the foundation of the lowest floor and all information which the Municipal Council may require regarding the points mentioned in the subsection one of which is the location of the building with reference to any existing or projected street

The powers of the Municipal Council in dealing with such notices are contained in subsecs (2) & (3) - Under subsec (2) they may issue such orders granting permission to extend according to the plan and impose conditions in regard to certain specified matters affecting the details of the work one of which as observed above is the location of the building in

NOTE—Contn sheet

G. R. S 12]

General and Revenue Secretariat | Rel File No. 34 of 1915

Serial No

relation to any street existing or proposed

Before passing orders under Sub Sec (2) the Municipal Council may also suspend the work for a period of 3 months or call for further particulars presumably of the kind contemplated in Sub Sec (2)

Where the Municipal Council fails within one month to take action on the bond it is empowered to take with regard to the initial notice or the further particulars if any called for & pronounced then it is open to the applicant by virtue of Sub Sec (4) to commence within one year of the starting point proceed with the construction according to the specification given in the notice

This is the procedure prescribed in the Municipal Regulations. The ground upon which the Municipal Council appears to have declined to grant the licence is that the proposed construction if permitted would

NOTE—Contn sheet

G R S 12]

General and Revenue Secretariat

2d File No. 24 of 1915

Serial No

interfere with the conservancy of the neighbouring house. Evidently this open space is used as a Conservancy path for serving the neighbouring houses as there is difficult to conceive how the utilization of this lot for building purposes will interfere with the said purpose. Obviously this is not one of the grounds contemplated in the scheme of the Municipal Act & the Municipal Council has no power to impose any restriction not warranted by the Regulation & the rules validly framed thereunder. It is unnecessary to consider the other questions as whether the Municipal Council has the power to call upon the applicant to prove his title to the site for the Construction on which the licence is applied for because in the present case the applicant has complied with the requisition & there is not made the ground for the refusal to grant sanction.

In the letter under disposal

NOTE—Contn sheet

G R. S 12]

General and Revenue Secretariat | Ard File No. 34 of 1915.

Serial No

it is stated that if the applicant is permitted to build upon the land in question it would interfere with the footpath leading to the Chamaraj Road It is not stated how it would. If so, Municipal Council has the power to impose such condition as may be necessary in respect of the location of the building in regard to the Chamaraj Road whereby the footpath leading thereto is not interfered with but it cannot without the permission alleged

The trust Board has nothing to do with the grant of the license applied for as this is not included — I presume it is not in the improvement scheme or schemes formulated by the Bar Board & sanctioned by Govt.

17. 2. 16.

NOTE—Contn sheet

CPB—70 000—17 12 1

G. R. S. 12]

General and Revenue Secretariat

File No. 34 of 1915

Serial No

1 File memorandum with the Post Master's opinion for orders

2 Draft forwarding two copy of the 18/2/16 Govt

3. Opinion to the Municipal Council enquiring what further action they propose to take in the matter

11 Point out that an absolute refusal to build on private land is not warranted by the provisions of the Municipal Regn & that therefore the Municipal Council will do well to avoid being exposed to the charge of taken action ultra vires.

19/2

4 — Draft & subs

19/2/16

21/2

23/2

2nd Member

27/2/16

28/2

Draft approved by Second Member

29/2/16

1/3/16

NOTE—Contn sheet

G. R. S 12]

General and Revenue Secretariat

File No. 34 of 1915

Serial No	
87	~~To the Pres. Mysore city Munl Council No 6560 of 7-3-16. Forwards copy of Govt Advocate's note and requests him to place the matter before the Munl council and submit a copy of their resolution as to the action to be taken in the matter~~
126	From the President, Mysore city Munl council No 52 dated 30th August 1916 Reports that the Munl council agree with the views of the Govt Advocate and that they are not in favor of permitting the applicant to build on the strip of land in question and that the Trust Board will take the needful action for acquiring the land
	15 Draft recording sanction
	21/9/16
194	(44) 15/9/16 (18/9) Secretary Member
22-9-16	16 Submitted for orders
	Sanction such proposal
	17 Draft approved by the Dewan a Resolution not a Note
	25/9/16
	25/9/16

NOTE.—Contn. sheet

793 (10

G R S 12]

General and Revenue Secretariat. | M/ File No. 34 of 1915

Serial No

129 ~~To the Presd, Mysore city~~ Municipal council and chairman, Mysore city Improvement ~~Trust~~ Board No 2333-4 of 17-10-16.

Records M126 and requests the Board to communicate the resolution of the Municipal council to the petitioner & order issued and file resubmitted as directed in para 17

24
(64)
23/10/16 — 1 & 2 It is true that Govt control is not expressly recognised in Chap XII of the Municipal Regns of 1906 But the provisions of the said Chapter seem to be applicable only to cases of an exceptional nature as specified therein, and it is difficult to find sufficient justification to review every petition & to take action thereon Since no appellate or general revisional powers are reserved under the Regns, it seems to be desirable to limit the scope of interference as far as possible, e.g. to cases of manifest injustice, illegality or exceptional hardship

Submitted
Dy 1 11 16

Rev Secretary)

NOTE—Contn sheet

GPS—70 000—17 12 15

(11

G R. S 12]

293

General and Revenue Secretariat.

File No. 34 of 1915

Serial No

20 Submitted. The Political's note explains how the powers of interference may be restricted in specified cases

2nd Member)

Sd 2-11-1916

21

The clear rule is to refer cases affecting the public & not individuals. Please see that such refs are not sanctioned in future

Sd 3/11

Sd 3 11

Please make an extract & circulate

Sd 3/11

Typed Corrected 14 11/11/16

Noted. The Supts will please note & check such refs in future

Sd 3 11 16

Circulated. May be returned each case worker in the mail see —

Sd 14 11 16

Sd Sd #1148 15/16 11 16

Sd

13 1 S Y

(12

G S 34]

5782-ml34-15—63

No

GOVERNMENT OF H H THE MAHARAJA OF MYSORE

General and Revenue Secretariat

(Mcml.)

Office Memorandum

To

The 15—1—1916

The President, Mysore City Mnl. Council

—

Petition Regd No 2392 dated the 28th Decr 1915 from Balegangamma, a resident of Chamaraj Road, Krishnarajendrahalli, Mysore City, Complaining that the local authorities have not granted him license to put up a terraced verandah in front of his house, is forwarded to the President, Mysore City Mnl. Council, for favour of recommendation with a report of the facts of the case.

—

By order

Asst

for Rev Secy

GPB—5 000—20 8 13

D 2855

No 207

THE CITY MUNICIPAL OFFICE, MYSORE,

Dated 5th February *191* 6

Jud 34-15-73

From T.G Lukshmana Rao, Esquire., L.C.E.,

President, City Municipal Council,
Mysore

To V.R.Thyagaraja Iyer, Esquire., M. A ,

Secretary to the Govt of Mysore,
Revenue Department
Bangalore

SIR,

With reference to your office Memorandum No. 5182- Ml. 34-15-63 dated the 17th ultimo forwarding for retransmission with a report of the facts of the case, an application from Baleganganna, a resident of Chamaraj Road Krishnaraja Mohalla, Mysore City, complaining that he has not been granted a license to put up a terraced verandah in front of his house etc , I have the honor to state that one Nanjappa son of the present petitioner applied to this office on the 24th February 1914 for a license to build a terraced frontage in front of his house I inspected the spot with the Vice President and found the land abutting the Nalla. Besides, the land is so situated that if it is allowed to be built upon, the conservancy of the houses along the Nalla will be blocked Hence it was found desirable not to grant license on Sanitary grounds and an endorsement refusing license was sent to him on the 7th March 1914

no provision for drainage Cess

2 Subsequently on the 19th June 1914, Gangar a petitioned to this office for a license to put up the same building on the same land Another endorsement drawing the attention of the petitioner to the previous endorsement granted to his son Nanjappa, was given on 23rd June 1914

3 Again on August 20th, 1914, the said Gangamma

1916

From

The President, City Muni Council, Mysore

To

The Secy to Govt of Mysore, Rev Dept

Dated
Despatched } 5th February 1916
Received

General No 207
No

Enclosure No one file

Reporting the facts of the case of Bangarayamma to whom the license was ordered to be issued to erect a terraced verandah in front of his house

(14

Ganganna represented that the land in question belonged to him and that he should be permitted to erect a terraced - building on the same. Upon this the petitioner was called on to produce documentary evidence to prove his ownership to the land.

4. On 12th October 1914, the said Ganganna however produced a copy of the bond, under which he purchased the whole property Still on further consideration it was found undesirable to permit him to build on the land and an endorsement to this effect was again issued to him.

5. Then Ganganna applied to the Trust Board for a license and that body also issued an endorsement that no license could be granted as it would interfere with the scavenging facilities of the neighbouring houses If he is permitted to build upon this land, the building will project into the foot-path of Chamaraj Road

6. The entire file of correspondence (as per pherist) is herewith sent for kind perusal and obliging return when done with

7. The land will have to be acquired and kept open on Sanitary as well as Aesthetic grounds

8 The petition received with your memorandum under reply is also herewith retransmitted

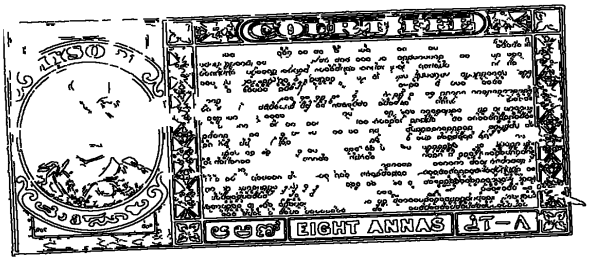
I have the honour to be,

Sir,

Your most obedient servant,

President.

MRV.


COURT FEE
EIGHT ANNAS

(17) 8

Enc to Lr 34-15-23

List of papers submitted to Government re application of Balegangaanna.

1. Application dated 24th February 1914, from Nanjappa, to the President City Municipal Council, Mysore.

2. Plan in duplicate.

3. Application dated 17th June 1914 from Balegangan-na, to The Chairman, City Improvement Trust Board, Mysore.

4. Application dated 30th August 1914 from Bale Ganganna , to the Vice-President, City Municipal Council, Mysore.

5. Application dated 26th August 1914, from Do.

6. Copy of document .

7. Application dated 12th October 1914 from Bale Ganganna, to the Vice-President, City Municipal Council, Mysore.

8. Application dated 7th December 1914, from Do. to the Chairman, City Improvement Trust Board, Mysore.

9. Application dated 8th June 1915, from Do.

10. "Draft" endorsement granted to Bale Ganganna, from the Chairman, City Improvement Trust Board, Mysore.

11. Application dated 28th December 1915, from Bale ganganna, to Government.

For President.

5th February 1916

MRV

(18

G R S 26]

SUBJECT

Diary No of letter replied to 2855

Section Jud,
File No 34-16
Serial No 87

General and Revenue Secretariat
(Munb.)
D, *the* 19 2. 1916

Cent
6560
No Mb 34-15-87
07.3.16

Date of issue 7.3.16

To The President, Mysore
City Munb. Council

Signed by Jwa V Ramanathan

Sir,

With reference to your letter No. 207 dated the 5th Feb. 1916 reporting on the petition of Balegangamma, a resident of Chamaraj Road in the City, I am directed to forward herewith a copy of the Govt. Advocate's note

dated the 17th instant on the legal aspect of the case, and to request you to be so good as to place the same before the Hon'ble Council and submit a Copy of their Report as to the further action if any, they would propose to take in the matter.

2) In this connection, I am to furnish you with an absolute refusal to grant permission to build on private land do not [illegible] by the provisions of the Hon'ble Rep[t] and that therefore the Hon'ble Council will do well to avoid being exposed to the charge of taking action otherwise.

I have &c

Hon'ble Rep[t] Secy

List of enclosures

Copied by

Examined by

GTP—20,000—14 2 14

29/7/16

34-15-126

(20

No 52

THE CITY MUNICIPAL OFFICE, MYSORE,
Dated 30th August *191* 6

From T. G. Lakshmana Rao, Esquire., L. C. E.,
President, City Municipal Council,
Mysore

To
L. Krishna Rao, Esquire.,
Secretary to the Govt of Mysore,
Revenue Department
Bangalore.

4/16

Sir,

9 With reference to correspondence ending with your letter No. 6560/M1. 34-15-87 dated the 7th March 1916 forwardi a copy of the Government Advocate's notes regarding the licens application of Bale Ganganna and requesting me to obtain and submit a copy of the Municipal Council's resolution as to the further action, if any, they would propose to take in the matter, I have the honour to report that the Municipal Council agree with the views of the Government Advocate As they are not in favour of permitting the applicant to build on the strip of land in question on Sanitary grounds , they have proposed on the recommendation of the Managing Committee to acquire the same A copy of their resolution No XII dated the 29th instant is herewith enclosed for information and ready reference

2 The Trust Board will take needful action in the matter.

I have the honour to be,
Sir,
Your most obedient servant,
T Lakshmanarao
President

MRV

1916
SEC & REV SECTT
2 SEP 1916

From

The President, City Munl Council, Mysore

To

The Secy to Govt of Mysore, Rev Dept

Dated 30th
Despatched 31st } August 1916

Received

General No 52
No

Enclosure No one

Reporting that the Municipal Council has agreed with the views of Government regarding the circular applicable to Bale Jamadars.

Enc to Mel 34-15-126

CRR

Proceedings of the 5th 'Adjourned' meeting of the Municipal Committee for the City of Mysore held in the Rangacharlu Memorial Hall at 8 A.M. on Tuesday the 5th August 1916.

Present.

1. T. S. Lukshmana Rao, Esq., L C. E., President.,
2. C. Narayana Rao, Esq., B.A., B.L., Vice-President.,
3. Mahomed Sait, Esq.,
4. A. K. Pani, Esq., D.P.H., etc., Health Officer.,
5. R.A. Narasimhaiengar, Esquire., B.A., B.L., Amildar, Mysore.,
6. T.M.Siddappa, Esq.,
7. S. Sreekantiah, Esq.,
8. Mahamed Jaffer Saheb, Esq.,
9. Madappa, Esq.,
10. Rao Bahadur M.C.Rangaiengar, Esq., B.A.,
11. Ramuniah, Esq.,
12. Amble Anniah Pandit, Esq.,
13. M.Venkatakrishniah, Esq.,
14. H. Seetharamiah, Esq.,
15. Rev. H. Gulliford.,
16. M. Anantharajiah, Esq.,
17. T. Tiruvengada Mudaliar, Esq.,

Absent.

1. B. Ramakrishna Rao, Esquire., Palace Controller.,
2. C. Ranjappa, Esquire., B.A.,
3. Gunavisarada Sangeeta Vidwan Bidarada Krishnappa, Esquire.,

---

x x x x

XII. Letter No 6560-Ml. 34-15-87, dated the 7th March 1916, from the Revenue Secretary, requesting to submit a copy of Municipal Council's resolution in the matter of granting license to Bale Ganganna to build on the strip of land belonging to him in Chamaraja Road and Managing Committee's resolution that the portion of the land be acquired for opening a conservancy lane and that the Trust Board be requested to do so.. The managing Committees resolution is Confirmed.

x x x

SD/- T Lukshmana Rao,
President

"COPY"

MKV

T Lukshmanarao

PRESIDENT

Gazette Mysore city

(22

GRS 28]

File No 34-1
Serial No 129

Diary No. of letter replied to 793

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
( )

Encls V/Ltr

READ—

, *the* 191

Correspondence ending with letter no 52 dated the 30th Aug 1916 from the President of the Mysore city Municipal Council Reporting that they & the Council are not in favour of permitting one Balegangamma to build on the land in front of his house and

Date of issue 14-10-16

Signed by Mr P Mahadevaiya

ORDER THEREON—No

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

over

SUBJECT

GPB—50 000—1 12-12

23)

that the Trust Board will take necessary action for acquiring the said land

---

Order no. 2333-Home/34-15-129 dt 15.10.16.

Recorded

2. The President is requested to communicate the decision of the said Council to the petitioner Balegangana

25/9

for Offg Secretary

15/9/16

The President, Mysore City Improvement Trust Board

Council with the file of papers received with his letter no 207 of 5-2-16

The Chairman, Mysore City Improvement Trust Board.